

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil File No. 10-4851 PAM/SER

Gary Reed and Tom Vevea, as Trustees of the Minnesota Laborers Health and Welfare Fund and Minnesota Laborers Pension Fund; James Brady and Keith Kramer, as Trustees of the Minnesota Laborers Vacation Fund; Gary Reed, as Trustee of the Construction Laborers' Education, Training, and Apprenticeship Fund of Minnesota and North Dakota; and Dan Olson and Chris Born, as Trustees of the Minnesota Laborers Employers Cooperation and Education Trust; and each of their successors,

Plaintiffs,

vs.

ORDER TO SHOW CAUSE

Scott Durand, d/b/a Bear Demolition,

Defendant.

The above matter came before the Court upon Plaintiffs' Motion for Order to Show Cause to hold Defendant in civil contempt for failure to obey the Court's previous Order for Entry of Default entered on April 28, 2011, which ordered Defendant to produce records for audit for the period of January 2008 through the present. Pursuant to that Motion, the Court now makes the following Order:

IT IS HEREBY ORDERED:

1. Defendant Scott Durand, d/b/a Bear Demolition through its officer Scott Durand is hereby ordered to personally appear before this Court on **August 25, 2011** at **11:30 a.m.** at the United States Courthouse, Courtroom 7D, 316 North Robert Street, St. Paul, Minnesota to show cause, if any, why a contempt of court order should not be

entered adjudging Bear Demolition through its owner / officer Scott Durand in civil contempt of this Court for continuing to refuse to produce for inspection and audit a complete set of business records for the period of January 2008 through the present:

- All payroll registers or journals
- All time cards
- All Internal Revenue 941 quarterly reports
- All Internal Revenue W-2 and W-3 forms
- All payments to any individual for labor or services, regardless of whether the Defendant classifies such individual as an employee or as a subcontractor
- All business checking account registers or journals
- All checking account bank statements including copies of all checks issued from the accounts
- All Minnesota quarterly unemployment reporting forms (MUTAs) and quarterly tax forms
- All records identifying the type of work performed by each employee and individual who has performed services for the Defendant
- Any such additional records as are deemed necessary to the performance of such audit by representatives of Plaintiffs

and that they should show cause why Scott Durand should not be committed to confinement until compliance with the Court's Order for Entry of Default entered on April 28, 2011.

BY THE COURT:

Dated: July 14, 2011

s/Paul A. Magnuson
The Honorable Paul A. Magnuson
United States District Court Judge